

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIACase No: **07-02838** Case Name: **CURTIS LEE HENDERSON SR V. CALIFORNIA DEPARTMENT OF CORRECTION****EXHIBIT and WITNESS LIST**

JUDGE SAUNDRA B. ARMSTRONG	PLAINTIFF ATTORNEY: ADAM LAURIDSEN SHARIF JACOB	DEFENSE ATTORNEY: JULIANNE MOSSLER CHARLES ANTONEN
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TRIAL DATE:
7/18/11**REPORTER(S):**
RAYNEE MERCADO**CLERK:**
LISA CLARK

PLF NO.	DEF NO	DATE OFFERED	ID	REV	DESCRIPTION	BY
		7/18/11		8:32	Court in session out of the presence at the prospective jury; IT not present in court yet	
				8:40	IT has arrived in the courtroom	
				9:00	Roll Taken 38 prospective jurors-present	
				9:02	Court in Session all parties and 38 prospective jurors; Court welcomes juror panel	
				9:05	Jury Panel sworn	
				9:16	Voir Dire begins by the Court	
				9:50	IT conducts voir dire	
				9:53	Court address jury panel	
				9:53	Contd voir dire by IT's counsel at jury panel	
				9:59	Court in recess until 10:20	
					IT has used 9 minutes for voir dire	
				10:19	Roll taken of prospective jury panel	
				10:22	Court in session all parties present and prospective jurors (38) present. Contd voir dire by IT's counsel at jury panel	
				10:33	voir dire by A's counsel at prospective jurors	

Case No: **C 07-02838 SBA**Case Name: **CURTIS LEE HENDERSON SR vs. CALIFORNIA DEPARTMENT OF****CORRECTION****EXHIBIT and WITNESS LIST**
(continued)

PLF No.	DEF No.	DATE OFFERED	ID	Rc	DESCRIPTION	BY
		7/18/11		10:39	Side bar	
				10:50	Lyny selected	
				10:52	8 members selected	
				10:54	Court in Recess - Lyny sworn	
				11:23	All parties present; Lundy's present (C); Court pre-instructs Lyny	
				11:35	Opening statement by T's Counsel	
				11:47	Opening statement by D's Counsel	
					TT used 7 minutes	
				12:01	TT's calls Curtis Lee Henderson	
					A used 14 minutes	
					Direct-examination	
232		7/18/11	7/18/11		Rotunda Area of Pelican Bay	AC
404		7/18/11			Demonstrative	
	EE	7/18/11	7/18/11		Baton	AC
246		7/18/11	7/18/11		Holding Yard	AC
247		7/18/11			Tower + Toilet Area	AC
243		7/18/11	7/18/11		Metal cages in Program office	AC

Case No: **C 07-02838 SBA**Case Name: **CURTIS LEE HENDERSON SR vs.CALIFORNIA DEPARTMENT OF****CORRECTION****EXHIBIT and WITNESS LIST**
(continued)

PLF No.	DEF No.	DATE OFFERED	ID	Rc	DESCRIPTION	BY
		7/18/11			Cont'd direct by Counsel at TT	
245		7/18/11	7/18/11		Cell 128 in 2B104	MC
246		7/18/11	7/18/11		Close up of the Cell 128 in 2B104	MC
37		7/18/11	7/18/11		CDCR Form 7219 Medical Report	MC
				12:55	Court in Recess TT used 54 minutes	
				1:07	Court back in session - Cont'd direct - examination at Mr. Henderson	
24		7/18/11	7/18/11		Video	MC
				1:28	Cross-examination by Defense Counsel at Mr. Henderson; TT used 221 minutes	
	FF	7/18/11			Plaintiff's deposition date 1/6/10	
				1:35	Sidebar	
				1:39	Cont'd at cross-examination of Mr. Henderson by A's Counsel	
				2:00	Court in Recess - Jury excused	
				2:02	Court in Recess Δ used 32 minutes	
					TT has 668 minutes left	
					Δ has 704 minutes left	
					Shast 28 minutes	

Case No: **C 07-02838 SBA**Case Name: **CURTIS LEE HENDERSON SR vs. CALIFORNIA DEPARTMENT OF****CORRECTION****EXHIBIT and WITNESS LIST**
(continued)

PLF No.	DEF No.	DATE OFFERED	ID	Rc	DESCRIPTION	BY
		7/21/11		8:58	Court in session- All parties + 8 member jury present	
				8:59	Cont'd cross-examination of Mr. Henderson by A's Counsel	
B-1			11/21/11	11/21/11	Inmate Appeal No. PASP-06-02079	AR
FR			7/18/11			
H			7/21/11	7/21/11	CDCR 7219 + Addendum MTA Patch	AR
I			7/21/11	7/21/11	CDCR 7219 MTA Taylor	AR
				9:46	Redirect by T's Counsel of Mr. Henderson	
					47 minutes used by A's Counsel	
				9:56	Re-cross by A's Counsel of Mr. Henderson	
					T used 10 minutes	
					witness may step down	
				9:58	T's calls James Patch- Direct examination	
				10:27	Court in recess	
					T used 24 minutes	

Case No: **C 07-02838 SBA**Case Name: **CURTIS LEE HENDERSON SR vs. CALIFORNIA DEPARTMENT OF CORRECTION**EXHIBIT and WITNESS LIST
(continued)

PLF No.	DEF No.	DATE OFFERED	ID	Rc	DESCRIPTION	BY
		7/21/11		10:48	Cont'd direct of James Patch by TT's Counsel Cross-examination of James Patch by A's Counsel	
	G-9	7/21/11		11:06	Re-direct by TT's Counsel of Mr. Patch A used 18 minutes	
				11:09	Sidebar	
				11:15	Cont'd Re-direct by TT's Counsel of Mr. Patch	
	G-9	7/21/11	7/21/11		CDCR - Incident Report J. T. Patch	AC
				11:21	Re-cross by A's Counsel TT used 15 minutes	
	G-10	7/21/11	7/21/11		3-4 only of 11:23 Sidebar	
				11:30	Cont'd Re-cross at James Patch	
				11:34	Cont'd Re- cross ^{direct} at James Patch	
				11:36	Witness excused; TT's calls Video Testimony of Victorio B used 9 minutes	

Case No: **C 07-02838 SBA**Case Name: **CURTIS LEE HENDERSON SR vs. CALIFORNIA DEPARTMENT OF CORRECTION**EXHIBIT and WITNESS LIST
(continued)

PLF No.	DEF No.	DATE OFFERED	ID	Rc	DESCRIPTION	BY
		7/21/11		7/21/11	.	
✓ 467			7/21/11	7/21/11	Excerpt of Deposition	AK
				11:54	TR calls Dr. Nichole Schneider -	
					Direct-examination, Courts	
					Accepts witness as an expert	
✓ 110			7/21/11	7/21/11	Physician Progress Notes by Dr. Shin	AK
✓ 111			7/21/11	7/21/11	Physician Order Dr. Shin	AK
✓ 103			7/21/11	7/21/11	Orthopedic Consultation Dr. Duncan	AK
				12:20	Court in recess	
					TR has used 49 minutes	
				12:43	Court back in session - All parties present	
✓ 149			7/21/11	7/21/11	Physician's Progress Report - Dr. Rowe	AK
✓ 101			7/21/11	7/21/11	Neurology Consultation Dr. Markman	AK
✓ 104			7/21/11	7/21/11	Operative Report Dr. Chandrasekaran	AK
✓ 122			7/21/11	7/21/11	Draft Operation Report - Dr. Chandrasekaran	AK
				1:11	Cross-examination by D's Counsel at Dr. Schneider	
					TR used 25 25 minutes	

Case No: **C 07-02838 SBA**Case Name: **CURTIS LEE HENDERSON SR vs. CALIFORNIA DEPARTMENT OF****CORRECTION****EXHIBIT and WITNESS LIST**

(continued)

PLF No.	DEF No.	DATE OFFERED	ID	Rc	DESCRIPTION	BY
		7/21/11			Contd cross-examination by A's Counsel at Dr. Schneider	
	M ✓		7/21/11	7/21/11	Physician Progress Note 8/17/06	AC
					with Witness shown exh. 149	
			1:21		Re-direct of Dr. Schneider by T's Counsel	
					A used 10 minutes	
			1:25		Witness may step down - T moves into evidence	
124A ✓			7/21/11	7/21/11	Colonial Medical / Ins. Claim Form 4/21/09	AC
			1:28		Sidebar	
125A ✓			7/21/11	7/21/11	Colonial Medical / Ins. Claim Form 5/27/09	AC
130A ✓			7/21/11	7/21/11	Tehachapi Surgery Center list 11/11/08	AC
132A ✓			7/21/11	7/21/11	Tehachapi Surgery Center list	AC
133A ✓			7/21/11	7/21/11	Colonial Medical Group Ins Form 11/11/08 ⁶⁻⁶⁴⁸	AC
134A ✓			7/21/11	7/21/11	Colonial Medical / Ins. Claim Form 11/11/08 ⁶⁻⁶⁴⁹	AC
139A ✓			7/21/11	7/21/11	Colonial Medical / Ins. Claim Form 4/21/09 ⁶⁻⁵⁴	AC
143 ✓			7/21/11	7/21/11	Pacific Orthopedic Medical Dr. Chandrasekaran ^{4/16/09}	AC
144 ✓			7/21/11	7/21/11	" " " " ^{8/25/08} Dr. Chandrasekaran	AC
			1:30		T calls James Petersen - Direct examination	

Case No: **C 07-02838 SBA**Case Name: **CURTIS LEE HENDERSON SR vs. CALIFORNIA DEPARTMENT OF****CORRECTION****EXHIBIT and WITNESS LIST**
(continued)

PLF No.	DEF No.	DATE OFFERED	ID	Rc	DESCRIPTION	BY
		7/21/12			Cont'd direct at Mr. Peterson	
12 /			7/21/11	7/21/11	CDCR Form 837-C 8/16/06	AC
13 /			7/21/11	7/21/11	CDCR Form 837-C2 8/18/06	AC
14 /			7/21/11	7/21/11	CDCR Form 837-C1 8/29/06	AC
27			7/21/11	7/21/11	PBSP use of force procedure Attachment 8/31/06	AC
				1:39	Sidebar	
				1:46	Cont'd direct at Mr. Peterson	
15			7/21/11			
23 /			7/21/11	7/21/11	transcript of Peterson Interview 9/7/06	AC
				1:57	Court in Recess Lury excused for the day	
				2:04	Court in Recess for the day.	
					TT used 32 minutes	
					TT hrs 513 minutes	
					A has 667 minutes	
					4 hours + 59 minutes	
		7/21/11		8:38	Court in session - all parties present. Lury Present	
				8:33	Cont'd direct examination of	

Case No: **C 07-02838 SBA**Case Name: **CURTIS LEE HENDERSON SR vs.CALIFORNIA DEPARTMENT OF****CORRECTION****EXHIBIT and WITNESS LIST**
(continued)

PLF No.	DEF No.	DATE OFFERED	ID	Rc	DESCRIPTION	BY
		7/22/11			Mr. Petersen; witness shown exh 27	
					and listen to part of 15	
15		7/22/11	7/22/11		Audio Recording of J. Petersen 9/7/06	AC
28		7/22/11	7/22/11		H/W Diagram of Pelican Bay Rotunda 3/30/11	AC
					Witness shown exh 12	
				9:16	Cross-examination of Mr. Petersen	
					by A's Counsel	
				9:18	Sidebar	
				9:21	Cont'd cross of Mr. Petersen	
				9:24	Re-direct of Mr. Petersen	
				9:25	Witness excused; TI calls Mr.	
					Speaker - Direct-examination	
19		7/22/11	7/22/11		CDCR Crime/Incident Report - 8/29/06	AC
48		7/22/11				
				9:58	Court in Recess	
				10:17	Court in session - All parties and	
					jury present - Cross-examination	
					by A's Counsel of Mr. Speaker	
				10:26	Re-direct of Mr. Speaker by	
					TI's Counsel	

Case No: **C 07-02838 SBA**Case Name: **CURTIS LEE HENDERSON SR vs. CALIFORNIA DEPARTMENT OF****CORRECTION****EXHIBIT and WITNESS LIST**
(continued)

PLF No.	DEF No.	DATE OFFERED	ID	Rc	DESCRIPTION	BY
		7/22/11			Cont'd re-direct by TT's Counsel at Mr. Speaker.	
		TT used 14 minutes	10:30		Witness may step down; TT's call Daniel E Vasquez - Direct Examination	
					Witness Accepted As Expert in Use of Force and Use of Force Investigations	
		TT used 15 minutes	11:15		Cross-examination by A's Counsel	
	GG		7/24/11			
			11:26		Sidebar	
					Cont'd cross of Mr. Vasquez	
		A used 43 minutes	11:58		Court in recess	
			12:12		Court in Session - All parties + jury present; Re-direct by TT's of Mr. Vasquez	
		TT used 12 minutes	12:24		Witness may step down Re-cross by A's Counsel of Mr. Vasquez	
		A used 8 minutes	12:32		TT's Rests; A's call Antonio Martell - Direct-examination	

Case No: **C 07-02838 SBA**Case Name: **CURTIS LEE HENDERSON SR vs. CALIFORNIA DEPARTMENT OF CORRECTION**EXHIBIT and WITNESS LIST
(continued)

PLF No.	DEF No.	DATE OFFERED	ID	Rc	DESCRIPTION	BY
		7/22/11			Cont'd direct at Mr. Martell by A's Counsel	
				12:59	Sidebar	
				1:07	Cont'd direct at Mr. Martell by A's Counsel	
				1:08	Cross-examination by TT's Counsel at Mr. Martell	
45			7/22/11	7/22/11	Map drawn by Officer Martell	AC
39			7/22/11	7/22/11	CDCA Crime/Incident Report. A.W. Martell	AC
46			7/22/11	7/22/11	Transcript of audio recording A.W. Martell	AC
				1:47	Re-direct by TT's Counsel	
				1:50	Re-cross by A's Counsel	
				1:53	Re-direct by TT's Counsel	
	G-14		7/22/11			
				1:57	Court in Recess - Lay Exposed: Court discusses Rule 50 motion with parties	
					TT	
					Parties to file Opening briefs by 6pm.	
					noon on 7/23/11; Opposition briefs to be filed by 9am on 7/23/11; Briefs should not be more than 10 pages.	
				2:09	Court in Recess	

Case No: **C 07-02838 SBA**Case Name: **CURTIS LEE HENDERSON SR vs. CALIFORNIA DEPARTMENT OF CORRECTION**EXHIBIT and WITNESS LIST
(continued)

PLF No.	DEF No.	DATE OFFERED	ID	Rc	DESCRIPTION	BY
		7/25/11		8:33	Court in session - All parties present - outside the presence of jury; Court addresses parties off the record	
				8:41	All parties and jury present - Court Re-direct of Mr. Martell by D's Counsel	
G-14		7/25/11	7/25/11		Criminal/Incident Report A.W. Martell AC	
					D used 3 minutes	
				8:47	Witness excused; D's call Curtis Lee Henderson - Direct-examination	
					D used 7 minutes	
				8:52	Cross-examination by T's counsel of Mr. Henderson	
					T used 5 minutes	
				8:57	Witness excused; D's calls Joseph McBrath - Direct-examination - Court accepts witness as a expert	
L		7/25/11	7/25/11		Pelican Bay Use of Force Policy	AK
					D used 4:03 minutes	
				9:46	Sidebar - Cont'd direct of Mr. Martell	
				10:00	Court in Recess	

Case No: **C 07-02838 SBA**Case Name: **CURTIS LEE HENDERSON SR vs. CALIFORNIA DEPARTMENT OF CORRECTION**EXHIBIT and WITNESS LIST
(continued)

PLF No.	DEF No.	DATE OFFERED	ID	Rc	DESCRIPTION	BY
		7/25/11		10:19	Court back in session - All parties present & jury	
					Cross-examination by TT's Counsel at Mr. McGee	
		TT Used 26 minutes		10:44	Re-direct by TT's Counsel at Mr. McGee	
		Δ Used 18 minutes		11:02	Re-cross by TT's Counsel	
		TT Used 2 minutes		11:04	Witness excused; Δ's call Clay Speaker. Direct examination	
	X	7/25/11	7/25/11		B-5 Diagram (Exh 096)	HC
	AA	7/25/11	7/25/11		Photos of Speaker	HC
	DD	7/25/11	7/25/11		Handcuffs	HC
		Δ Used 41 minutes		11:45	Court in Recess	
				12:03	Court in Session - All parties and jury present. Direct examination by TT's Counsel at Mr. Speaker	
		TT Used 23 minutes		12:26	Re-direct by Δ's Counsel at Mr. Speaker	
		Δ Used 4 minutes		12:30	Re-cross by TT's Counsel at Mr. Speaker	

Case No: **C 07-02838 SBA**Case Name: **CURTIS LEE HENDERSON SR vs. CALIFORNIA DEPARTMENT OF CORRECTION**EXHIBIT and WITNESS LIST
(continued)

PLF No.	DEF No.	DATE OFFERED	ID	Rc	DESCRIPTION	BY
14		Used 1 minute	12:31		Witness Excused A's Call James Petersen - Direct examination	
		A used 15 minutes	12:46		Cross-examination by A's Counsel at Mr. Petersen	
			12:51		Sidebar	
17		used 11 minutes	12:57		Cont'd cross-examination	
			1:05		Re-direct by A at Mr. Petersen	
		A used 1 minute	1:16		Witness excused; A call Michael Dean	
					Bullock - Direct-examination	
			1:23		Cross-examination by A's Counsel at Mr. Bullock	
30			7/23/11	7/23/11	Bullock's Interrogatory. (Redacted)	AL
		IT used 23 minutes	1:46		Re-direct by A's Counsel	
		A used 4 minutes	1:50		Re-cross by A's Counsel	
		IT Used 1 min	1:51		Witness excused; Jury	
		A used 9 minutes (No witnesses)			Excused for the day Court discusses the remaining time for this trial; Parties to meet & confer regarding jury instructions	

Case No: **C 07-02838 SBA**Case Name: **CURTIS LEE HENDERSON SR vs. CALIFORNIA DEPARTMENT OF CORRECTION**EXHIBIT and WITNESS LIST
(continued)

PLF No.	DEF No.	DATE OFFERED	ID	Rc	DESCRIPTION	BY
		7/25/11		2:15	Court in Recess	
					TT has 270 minutes left	
					A has 381 minutes left	
					Trial Time has +42 minutes	
		7/26/11		3:07	Court in session - Out of the presence of the jury - Court goes over proposed jury instructions with parties.	
				4:14	Court in Recess	
		7/27/11		8:57	Court in session - All parties present and the jury.	
				8:58	A calls Todd Holmes - Direct examination	
					Used 7 minutes 9:05	
					Cross-examination by TTs of Mr. Holmes	
					TT used 2 minutes 9:07	
					Witness excused, A's call David Christ - Direct-examination	
					Used 3 minutes 9:10	
					Cross-examination of Mr. Christ by TT	
				9:19	Sidebar	
					Cont'd cross-examination of Mr. Christ	

Case No: **C 07-02838 SBA**Case Name: **CURTIS LEE HENDERSON SR vs. CALIFORNIA DEPARTMENT OF CORRECTION**EXHIBIT and WITNESS LIST
(continued)

PLF No.	DEF No.	DATE OFFERED	ID	Rc	DESCRIPTION	BY
		7/27/11			Cont'd cross-examination of Mr. Christ	
87		7/27/11				
		TT used 42 minutes	9:57		Court in Recess	
			10:18		Court in session - All parties and jury present - Cont'd cross-examination of Mr. Christ by TT's Counsel	
					Witness shown exh L	
		TT used 4 minutes	10:22		Re-direct of Mr. Christ by D's Counsel	
		A used 17 minutes	10:29		Re-cross of Mr. Christ by TT's Counsel	
		TT used 1 minute	10:30		Witness excused; D's call Dr. Gabriell Williams	
					Direct-examination, witness Accepted as an Expert	
		A used 74 minutes	11:44		Sidebar	
			11:50		Court in Recess	
			1:01		Cross-examination of Dr. Williams by TT's Counsel	
150		7/27/11	7/27/11		Medical Record C Henderson	AC
		TT used 44 minutes	1:45		Re-direct by D's Counsel of Dr. Williams	

Case No: **C 07-02838 SBA**Case Name: **CURTIS LEE HENDERSON SR vs. CALIFORNIA DEPARTMENT OF****CORRECTION****EXHIBIT and WITNESS LIST**

(continued)

PLF No.	DEF No.	DATE OFFERED	ID	Rc	DESCRIPTION	BY
		7/27/11			Cont'd Re-direct at Dr. Williams	
				1:52	Re-cross by TT's counsel	
				1:53	Witness excused; Defense Rests;	
					Plaintiff's Reads One Stipulation of Facts into the record	
405		7/27/11	7/27/11		Stipulation of Facts	AC
				1:57	Both sides Rests; TT's	
					Closing Arguments	
				3:04	Δ's closing arguments	
					Corn 1	
				3:22	Court in session- All parties and jury present - Δ's closing arguments	
				3:54	Rebuttal Argument by TT's Counsel	
				4:11	Court instructs jury	
				4:35	that Jury deliberating	
				5:10	Jury gone home for one day.	
					Time 8 hours + 10 minutes	
		7/28/11		8:32	Jury deliberating	
				9:45	Court in session- out at the presence at the jury	

Case Name: **CURTIS LEE HENDERSON SR vs.CALIFORNIA DEPARTMENT OF**

PLF No.	DEF No.	DATE OFFERED	ID	Rc	DESCRIPTION	BY
		7/28/11			9:50 Jury in court; Court responds to Note #1 from the jury - All parties present	
					9:52 Court in session - Jury Deliberating	
					12:21 Court in session - Out of the presence of jury Parties put their settlement on the record.	
					12:26 Court in session - All parties and jury present; Court advises the jury that the parties have settled the case.	
					12:28 Court in Recess	